

AG Contract No. KR97 163400N
ADOT ECS File: JPA 97-114
Project: 077PM087/HX046-01H
Section: SR-77 @ Pinto Lane

CONTRACT	
NO. <u>01-04-A-125113-0898</u>	
AMENDMENT NO. _____	
Lane number must appear on all invoices, correspondence, and documents pertaining to this contract	

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
PIMA COUNTY, ARIZONA

THIS AGREEMENT is entered into 26 October, 1998,
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-
954, as amended, between the STATE OF ARIZONA, acting by and
through its DEPARTMENT OF TRANSPORTATION (the "State") and PIMA
COUNTY, ARIZONA, acting by and through its BOARD OF SUPERVISORS
(the "County").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes
Section 28-108 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has delegated
to the undersigned the authority to execute this agreement on
behalf of the State.

2. The County is empowered by Arizona Revised Statutes
Section 11-251 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has authorized
the undersigned to execute this agreement on behalf of the
County.

3. The State and the County desire to participate in the
design, construction, operation and maintenance of a new
warranted traffic signal on SR-77 at the intersection of Pinto
Lane, at an estimated cost of \$120,000.00, hereinafter referred
to as the Project, for the safety and benefit of the motoring
public.

THEREFORE, in consideration of the mutual agreements expressed
herein, it is agreed as follows:

NO. 22754
Filed with the Secretary of State
Date Filed: 10/26/98

Debra Bayless
Secretary of State

By Dick V. Grunewald

II. SCOPE OF WORK

1. The State will:

a. Provide to State standards design plans, specifications and such other documents and services required for construction bidding and construction of the Project. Incorporate County review comments.

b. Call for bids, and award one or more construction contracts for the Project. Administer same and make all payments to the contractor(s). Be responsible for all costs associated with the design and construction of the Project, in an amount currently estimated at \$120,000.00, and for any contractor claims for extra compensation attributable to the State.

c. Upon completion approve and accept the Project on behalf of the parties hereto, and provide signal maintenance.

2. The County will:

a. Review the design documents and provide comments.

b. Upon completion and acceptance of the Project by the State, provide electrical energy to operate the signals.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project; provided, however, that this agreement, except any provisions herein for maintenance and electrical energy, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement relating to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

Pima County
County Administrator
130 W. Congress - 11th floor
Tucson, AZ 85701

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

PIMA COUNTY

STATE OF ARIZONA

Department of Transportation

By MGB
MIKE BOYD, Chairman SEP 15 1998
Board of Supervisors

By [Signature]
MICHAEL P. MANTHEY
State Traffic Engineer

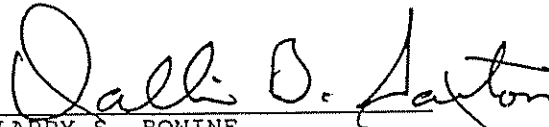
ATTEST

By [Signature]
LORI GODOSHIAN
Clerk of the Board

RESOLUTION

BE IT RESOLVED on this 16th day of July 1997, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with Pima County for the purpose of defining responsibilities for the design, construction and maintenance of a new warranted traffic signal on SR-77 at the intersection of Pinto Lane in the County.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the State Traffic Engineer for approval and execution.


for LARRY S. BONINE
Director

RESOLUTION NO. 1998-186

RESOLUTION OF PIMA COUNTY BOARD OF SUPERVISORS APPROVING AND AUTHORIZING THE EXECUTION OF THE INTERGOVERNMENTAL AGREEMENT BETWEEN PIMA COUNTY AND THE STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION (ADOT), WHICH AGREEMENT PROVIDES THE CONSTRUCTION OF TRAFFIC SIGNAL IMPROVEMENTS AT THE INTERSECTION OF STATE ROUTE 77 AND PINTO LANE IN PIMA COUNTY, AND FURTHER DEFINES OPERATIONAL AND MAINTENANCE RESPONSIBILITIES OF THE PARTIES, (ADOT AGREEMENT 97-114).

(DISTRICT 3)

WHEREAS, Pima County has determined it to be in the best interest of the Public to enter into an intergovernmental agreement with ADOT for the purpose of funding design and construction, and further defining the operational responsibilities of the parties for new traffic signal improvements at the intersection of State Route 77 and Pinto Lane; and

WHEREAS, ADOT agrees to fund, design, construct, operate, and maintain new intersection traffic signal improvements at the intersection of State Route 77 and Pinto Lane; and

WHEREAS, Pima County agrees to provide electrical energy to new intersection traffic signal improvements at SR77 and Pinto Lane when completed by ADOT, for the period the intergovernmental agreement (JPA 97-114) is in effect.

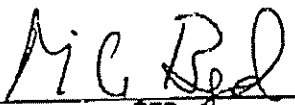
NOW, THEREFORE, UPON MOTION DULY MADE, SECONDED AND CARRIED,
BE IT RESOLVED:

THAT Pima County enter into the intergovernmental agreement (JPA 97-114) with ADOT, wherein ADOT will fund the design, construct, operate and maintain traffic signal improvements at the intersection of SR77 and Pinto Lane, and Pima County will provide electrical energy to the traffic signal.

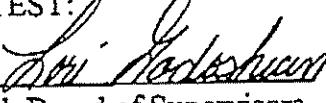
THAT the Chairman of this Board is hereby authorized and directed to sign the intergovernmental agreement with the Arizona Department of Transportation.

PASSED, ADOPTED AND APPROVED this 15th day of Sept 1998

PIMA COUNTY BOARD OF SUPERVISORS


Chairman SEP 15 1998

ATTEST:

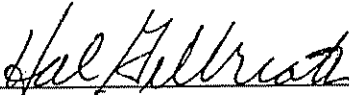

Clerk Board of Supervisors

APPROVED AS TO FORM:


Deputy County Attorney

ATTORNEY CERTIFICATION

The foregoing Intergovernmental Agreement between the State of Arizona-Arizona Department of Transportation (ADOT), and Pima County for: Traffic Signal Improvements at the Intersection of SR 77 and Pinto Lane (JPA 97-114), has been reviewed pursuant to A.R.S. §§ 11-951 et seq. by the undersigned Deputy Pima County Attorney who has determined that it is in proper form and is within the powers and authority granted under the laws of the State of Arizona to those parties to the agreement represented by the Pima County Attorney.

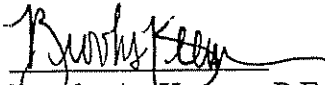


Deputy Pima County Attorney

Aug 29, 1998
Date

APPROVAL

The foregoing Intergovernmental Agreement between the State of Arizona-Arizona Department of Transportation (ADOT), and Pima County for: Traffic Signal Improvements at the Intersection of SR 77 and Pinto Lane (JPA 97-114), has been reviewed and is hereby approved as to content.



Brooks A. Keenan, P.E.
Director

Pima County Department of Transportation
and Flood Control District

8/27/98
date



GRANT WOODS
ATTORNEY GENERAL

STATE OF ARIZONA
OFFICE OF THE ATTORNEY GENERAL
1275 WEST WASHINGTON, PHOENIX 85007-2997

TRN Main: (602) 542-1680
Direct: (602) 542-8837
Fax: (602) 542-3646
MAIN PHONE : 542-5025
TELECOPIER : 542-4085

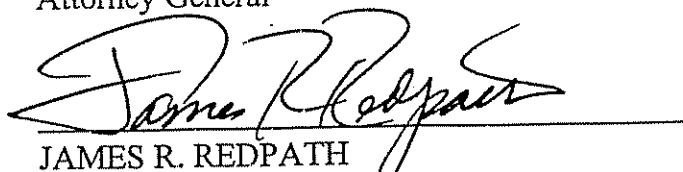
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR97-1634TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATE October 16, 1998.

GRANT WOODS
Attorney General


JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:et/16003

Enc.